

# **EXHIBIT 28**

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19 REED, and COASTAL PROTECTION  
RANGERS, INC.  
20

21 **UNITED STATES DISTRICT COURT**  
22 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**  
23

24 CORY SPENCER, an individual;  
25 DIANA MILENA REED, an  
individual; and COASTAL  
26 PROTECTION RANGERS, INC., a  
27 California non-profit public benefit  
corporation,  
28

CASE NO. 2:16-cv-02129-SJO (RAOx)

**DECLARATION OF CHRISTOPHER  
TALOA IN SUPPORT OF  
PLAINTIFFS' MOTION FOR CLASS  
CERTIFICATION**

**Date:** February 21, 2017  
**Time:** 10:00 a.m.

1 Plaintiffs,

2 v.

3 LUNADA BAY BOYS; THE  
4 INDIVIDUAL MEMBERS OF THE  
5 LUNADA BAY BOYS, including but  
6 not limited to SANG LEE, BRANT  
7 BLAKEMAN, ALAN JOHNSTON  
8 AKA JALIAN JOHNSTON,  
9 MICHAEL RAE PAPAYANS,  
10 ANGELO FERRARA, FRANK  
11 FERRARA, CHARLIE FERRARA,  
12 and N. F.; CITY OF PALOS  
13 VERDES ESTATES; CHIEF OF  
14 POLICE JEFF KEPLEY, in his  
representative capacity; and DOES  
1-10,

Defendants.

**Judge:** Honorable S. James Otero  
**Ctrm.:** 10C  
1st Street Courthouse

Complaint Filed: March 29, 2016  
Trial Date: November 7, 2017

15 I, Christopher Taloa, declare as follows:

16 1. I currently live with my wife and two children in North Hollywood,  
17 California. I have personal knowledge of the facts set forth herein, except as  
18 to those stated on information and belief and, as to those, I am informed and  
19 believe them to be true. If called as a witness, I could and would  
20 competently testify to the matters stated herein.

21 2. I was born on the Island of Oahu, Hawaii. I grew up in the town  
22 of Haleiwa on the North Shore, known globally as one of the most famous  
23 places surf spots in the world to ride big waves. The North Shore comes  
24 alive in the winter as surfers arrive from all over the world to test their  
25 abilities. I am 43 years old, and a lifelong surfer and bodyboarder and have  
26 surfed all over the world.

27 3. My love of the ocean, the perfect waves of Hawaii and growing  
28 up with some of the best surfers in the world helped me become the 1986

1 US Amateur Body Boarding Champion; in 1991 I started bodyboarding  
2 professionally. I have been sponsored by prominent bodyboarding brands  
3 such as Morey and Quiksilver. I retired from professional bodyboarding in  
4 2010. While in Hawaii, I began a modeling career which eventually led to  
5 acting. I have acted in several movies, including the 2002 surfing movie  
6 *Blue Crush* which grossed more than 50 million dollars.

7 4. When I was around 23 years old, I moved into an apartment with  
8 Gerald D'Sena, who was originally from Palos Verdes. Our apartment was  
9 on the mountain side of the Kamehameha Highway, across from a surf  
10 break called Rocky Point. We were roommates for about two years. D'Sena  
11 was like an older brother to me, and everyone in town like him. We talked  
12 about a lot of things, but I specifically remember when he first told me about  
13 Lunada Bay. It came up in a discussion that we were having about localism  
14 at a surf spot in Hawaii called V-Land. Despite the fact that D'Sena could  
15 surf wherever he wanted because he was respectful and knew the lineup  
16 game, he was intimidated. He was seeking my advice. I explained it with an  
17 analogy: saying "when you see a Pitbull behind a fence acting like it wants to  
18 attack you, simply walk around the fence; one day the Pitbull will get used to  
19 your presence and stop barking." I told him that the locals in V-Land are the  
20 same as the Pitbull. D'Sena said that he came from a place where localism  
21 was extremely bad. His face clinched with anger when he spoke about it.  
22 D'Sena told me that it was the most intimidating surfing place he had ever  
23 been to or seen, but he would not tell me the spot's name. Later, I learned  
24 that he was talking about Lunada Bay. D'Sena told me that Lunada Bay  
25 needed to be open to other surfers.

26 5. For several years, I traveled back and forth between Hawaii and  
27 Los Angeles. I moved to Los Angeles permanently after filming *Blue Crush*  
28 because the director said it would be good for my acting career.

1           6.     In 2001, I was living on Avenue B in the city of Redondo Beach,  
2 California. I regularly surfed beaches in the South Bay, including El Porto in  
3 Manhattan Beach, the Avenues in Torrance, and Burnout in Torrance. I also  
4 traveled to spots like Malibu and Rincon. I started looking for a world-class  
5 right point break nearby to surf. A friend told me about Lunada Bay, but said  
6 that it was off-limits because of the locals and the localism problem. I called  
7 my old roommate D'Sena, who warned me not to go there. I had a lot of  
8 respect for him so I decided to forget about it.

9           7.     I attempted to surf a spot just north of Lunada Bay known as  
10 Turbos. When I reached the bottom of the trail, I began to put my things  
11 down when one of the locals looked at me and said, "You can't put your stuff  
12 there. That's my spot." I walked a few feet away to set my things down in a  
13 different place, and the same local told me "You can't use that spot either,"  
14 because apparently, it was reserved for someone else. There were places  
15 all over the beach and it was obvious what was going on. At this point, I  
16 turned around and left. I was later informed that Turbos is surfed by many  
17 Lunada Bay locals.

18           8.     On another occasion, I went to surf at a spot in Palos Verdes  
19 called Indicator. While there, my car was vandalized with surf wax.

20           9.     In the winter of 2002, I was watching television when I saw a  
21 news report about a surfer named Tim Banas and his son who were  
22 attacked at Indicator by a group of local surfers known as the "Dirty  
23 Underwear Gang." It was reported that large rocks were thrown and that  
24 they were seriously injured. I was appalled that such an incident could  
25 happen. I was beginning to form a deep resentment towards the people  
26 doing these unjust acts and a police force that seemed to look the other  
27 way.

28 ///

1           10.    Around 2006, my friends Keola Sakima and Theodore  
2 Encarnado, who are also from Hawaii, attempted to surf Lunada Bay. They  
3 told me that after they parked on Paseo Del Mar and walked to the bottom of  
4 the trail on the North end of the bay, they were approached by about 6 locals  
5 who they believed were Bay Boys. The men came from the Rock Fort and  
6 started yelling the following types of things at them "You don't belong here!",  
7 ,"Something bad will happen if you don't leave now!" My friends decided to  
8 leave, but the men followed them up the cliff and continued to harass them.  
9 My friends told me that the men were filming them- something that I have  
10 seen them do as a form of harassment. On top of the cliff, the men formed a  
11 circle around my friends while they continued to threaten and taunt them.  
12 Fearing for his safety, my friend Keola punched one of the men to escape.  
13 Together, they then broke away from the circle the men had formed and ran  
14 to their car to leave.

15           11.    Around December 2012/13, several Bay Boys came to surf on  
16 the North Shore in Hawaii, including one of the individuals who harassed  
17 Keola Sakima at Lunada Bay previously. The Bay Boys were noticed  
18 because they were hanging out with a famous professional surfer from Palos  
19 Verdes Estates named Alex Gray. I received a call from a friend of mine who  
20 recognized spotted Gray. My friend said one of the Bay Boys with him was  
21 acting like a real idiot. a. Knowing that my friend Keola was at the house  
22 across the street from where Alex and the Bay Boys were, I was concerned  
23 that there would be trouble. I called Keola and told him about a party a few  
24 streets away from the beach. I did this to get him out of the area to avoid a  
25 conflict.

26           12.    At this point, I was tired of the hypocrisy of the Lunada Bay Boys  
27 coming to Hawaii to surf but not allowing any non-locals to surf their break. I  
28 called Jim Russi, a Lunada Bay local who moved to Hawaii many years ago

1 to work as a surf photographer. Russi told me not to surf Lunada Bay, and  
2 that he was trying to forget bad memories from his past associations with the  
3 place. I also reached out to my old roommate, Gerald D'Sena who  
4 eventually agreed to put me in contact with a friend of his named Ron  
5 Bornstein, "Borno," a Lunada Bay local who had moved out of the area but  
6 still knew the local surfers. Borno explained some basic rules about surfing  
7 Lunada Bay, including: 1) do not bring a body board; 2) do not look anyone  
8 in the eye; 3) do not change in your wetsuit at the top of the bluff; 4) come  
9 alone; and 4) don't drop in on anyone. Borno told me about the ways the  
10 Bay Boys used to mistreat him, like harassing and embarrassing him in front  
11 of his girlfriend. Eventually, Borno agreed to introduce me to Michael S.  
12 Papayans, who he told me is one of the main locals at Lunada Bay.

13 13. Borno took me to Michael's home. Michael's wife was there with  
14 a young child. I instantly felt a bad vibe when I entered the house. I told  
15 Borno and Michael about the harassment of my friends at Lunada Bay. I  
16 explained that I did not want to bring anyone with me; I just wanted to surf  
17 Lunada Bay peacefully. The meeting did not last long and nothing was said  
18 about me surfing there. On the way home, Borno showed me where to park  
19 my car.

20 14. The next day, Borno called me. His voice sounded completely  
21 panicked, and I remember thinking it odd that a grown man in his 50's  
22 should sound so frightened. Borno told me that I could not surf Lunada Bay,  
23 and that he was receiving being threats for bringing me to Michaels house.  
24 Borno told me that if I returned to Lunada Bay, both of us would be harmed.  
25 I was embarrassed by the scared tone of Borno's voice.

26 15. This was the final straw for me. The locals at Lunada has  
27 terrorized people for years. They assaulted two of my close friends. They  
28 had the nerve to come to the North shore, Torrance Beach, Malibu and



1 anywhere they wanted. And now, they threatened a 50 year old man to the  
2 point where he was trembling when he spoke to me. I decided to use a  
3 social media campaign to end localism at Lunada Bay. Previously, a group  
4 of friends and I had started DK (Drop Knee) Wars, an informal bodyboarding  
5 event where people would show up at a break and compete for money. I  
6 promoted these events on the internet and social media platforms. I posted  
7 on my Facebook page about an upcoming event at Lunada Bay. D'Sena left  
8 me a message begging me not to have the event, and I began receiving  
9 threats. The Bay Boys blamed Borno for what I did and he both received  
10 death threats.

11 16. My friends and I began researching Lunada Bay localism and  
12 police involvement. I had heard that some Bay Boys had connections in the  
13 police department, and that some police officers were racist. On December  
14 30, 2013, the DK Wars Facebook page posted about an upcoming DK Wars  
15 event at Lunada Bay, and promised to follow up with organization details.

16 17. On January 20, 2014 – Martin Luther King, Jr. Day – I helped  
17 organize a group of surfers for a peaceful paddle out at Lunada Bay and  
18 publicized the event through Facebook. When I paddled out, locals kicked  
19 me underwater. One of the locals paddled out painted in “Blackface”  
20 makeup and wearing an afro wig and told me, “You don’t pay enough taxes  
21 to be here.” A friend filmed the event from the cliffs, and I waved my arms in  
22 the water so that he would notice when the locals were harassing myself  
23 and others. One of the defendants, Alan Johnston aka Jalian Johnston, told  
24 me, “I will take many a beating for this place,” and kicked me when a wave  
25 came afterwards.

26 18. After the January 20, 2014 paddle out, I tried to surf Lunada Bay  
27 again; this time with Jared Brown. I arranged to have Matt Kitchen and his  
28 brother stay on the cliffs to watch our cars. Jared and I went down the trail,



1 where we could see about four or five guys out in the water. When we got in  
2 the water, a blond woman began harassing us, trying to burn us on waves  
3 so we would end up hitting the rocks in the water. Some of the surfers were  
4 calling me names and one guy asked me, "Who are the black guys on the  
5 cliff?" When I responded that I did not know, the person looked baffled.  
6 Locals were surfing on the same waves as me in what I believed was an  
7 attempt to collide with me. One of the locals told me, "That's assault. I'm  
8 going to have you arrested and have you fucked in the ass by a black or  
9 Mexican in the holding cell. You will get AIDS. We own the cops." I left  
10 immediately. The locals claimed to own the police and judges. Regarding  
11 the latter, I believe the fact that Alex Gray's father is a retired judge is used  
12 by some of the Bay Boys as a threat that they have some kind of influence in  
13 the judicial system.

14 19. While my last trip to Lunada Bay was not pleasant, I was  
15 determined not to let a bunch of bullies keep me from a public beach. So my  
16 friend Jared Brown and I decided to visit Lunada Bay to look at the surf.  
17 There were a few locals were standing on the bluff. A large black lifted truck  
18 pulled up and parked, and defendant Michael Rae Papayans got out of the  
19 driver's seat. Papayans marched across a muddy filed and stood directly in  
20 front of me, inches from my face in what I believed was an attempt to  
21 intimidate me and impede my access and movement down the trail. After  
22 what seemed like several minutes of him trying to provoke me into an  
23 altercation, I called the police.

24 20. In January 2016, I again attempted to surf Lunada Bay, this time  
25 with Cory Spencer. We hired a friend to watch our cars, and arrived at the  
26 cliffs at around 7:00 A.M. The locals immediately surrounded us on the cliff,  
27 yelling "Beat it, kook." We had notified the police prior to arriving,. We  
28 walked down the trail and got in the water. There were about four or five



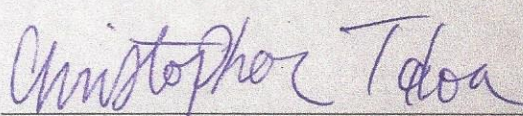
1 locals in the water, including Brant Blakeman. It became obvious that  
2 Blakeman was not there to surf and wanted to make sure that we did not  
3 have a good time surfing. He began shadowing Cory's moves in the water,  
4 and sitting uncomfortably close to him. At one point, Blakeman paddled  
5 over to me, and I told him that he was too close. Blakeman told me, "This is  
6 the ocean. We are surfing. I can be wherever." I kept moving, but  
7 Blakeman was not in good enough shape to keep up with me. After we  
8 finished surfing and I was about to get into my car to leave, I saw Sang Lee  
9 working at a house across the street. Sang told me that he and I should  
10 have a talk, and told me, "This is how it is up here. This is our culture."

11 21. On or about December 5, 2016, I received a letter from John  
12 Hougan, who identified himself as an investigator for one of the defendants.  
13 I was extremely offended by the letter because it seemed like an obvious  
14 threat by stating: "your decision not to only speak to the plaintiff may impact  
15 your credibility at trial." A copy of the letter is attached to this declaration as  
16 **Exhibit "1"**.

17 22. I believe that the Bay Boys will continue to harass, assault, and  
18 terrorize all non-locals who attempt to surf there if there continues to be no  
19 consequences. I want all surfers to be able to safely surf at Lunada Bay and  
20 have access to the beach as a public resource without fear of harassment or  
21 intimidation. I believe that as a public beach, all should be able to enjoy it.

22 I declare under penalty of perjury under the laws of the United States  
23 of America that the foregoing is true and correct.

24 Executed on this 28th day of December, 2016, at North Hollywood,  
25 California.

26  11/28/2016  
27 CHRISTOPHER TALOA



# Exhibit 1



Resolute Investigations

December 5, 2016

Christopher Bachmann Taloa  
10767 Valley Spring Lane  
N. Hollywood, CA 91602

Dear Mr. Taloa,

You have been identified by the law firm *Hanson Bridgett LLP* as a witness for the plaintiffs in a civil lawsuit against the 'Lunada Bay Boys' and others. I am a Private Investigator working for the defense in this case and would like to meet with you for an interview. While you are not under any obligation to speak to me, your decision to only speak to the plaintiffs may impact your credibility at trial.

Please contact me by phone or email (below), so we can arrange a date for your interview.

Sincerely,

John Hougan, Investigator  
(949)422-8344

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